

ORIGINAL**In the United States Court of Federal Claims**

DEREK MICHAEL DEWEY,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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No. 16-953C

Filed: December 6, 2016

FILED**DEC - 6 2016****U.S. COURT OF
FEDERAL CLAIMS****DISMISSAL ORDER**

Plaintiff, *pro se*, Derek Michael Dewey, commenced this action on August 4, 2016 (docket entry 1). On October 3, 2016, the government filed a motion to dismiss pursuant to Rules 12(b)(1) and (6) of the Rules of the United States Court of Federal Claims ("RCFC") (docket entry no. 6).

On October 28, 2016, plaintiff filed its first motion for an extension of time seeking to extend the deadline for the filing of his response to the government's motion to dismiss until January 22, 2017 (docket entry no. 7). On November 1, 2016, the Court granted-in-part plaintiff's request for an extension of time and extended the deadline for plaintiff to file his response to November 18, 2016. In that Order, the Court noted that, should Plaintiff fail to respond to the government's motion to dismiss by November 18, 2016, the Court would treat plaintiff's failure to respond as a failure to comply with the Court's Order and to prosecute this matter pursuant to RCFC 41(b).

On November 28, 2016, the Clerk's Office received from plaintiff a miscellaneous filing in which plaintiff seeks, among other things, an extension of time to file his response to the government's motion to dismiss until January 20, 2017, and a stay of these proceedings.

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Because plaintiff has failed to comply with the Court's November 1, 2016, Order and to timely prosecute this matter, the Court dismisses this action without prejudice. RCFC 41(b).¹

And so, for the foregoing reasons, the Court:

1. Directs the Clerk's Office to **FILE** plaintiff's motion for miscellaneous relief by my leave; and
2. Directs the Clerk's Office to **ENTER** final judgment **DISMISSING** the complaint, without prejudice.

No costs.

IT IS SO ORDERED.



LYDIA KAY GRIGGSBY
Judge

¹ RCFC 41(b) provides that: "[i]f the plaintiff fails to prosecute or to comply with [the Court's] rules or a court order, the court may dismiss on its own motion or the defendant may move to dismiss the action or any claim against it." RCFC 41(b).